

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**ORDER ACCEPTING THE FINDINGS, CONCLUSIONS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

United States Magistrate Judge Renée Harris Toliver made findings, conclusions and a recommendation in this case. The Court reviewed the objections filed, as well as the response and reply thereto, *see* ECF Nos. 103, 105, 107, and has made a de novo review of those portions of the proposed findings, conclusions and recommendation to which objection was made. The Court overrules the objections and Court accepts the Findings, Conclusions and Recommendation of the United States Magistrate Judge. Plaintiff's motion, Doc. 95, is **DENIED**.

The Court prospectively **CERTIFIES** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); FED. R. APP. P. 24(a)(3). In support of this certification, the Court adopts and incorporates by reference the Magistrate Judge's Findings, Conclusions, and Recommendation. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). Based on the Findings and Recommendation, the Court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983) (per curiam). In the event of an appeal, Plaintiff may challenge this

certification by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of the Court, U.S. Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; FED. R. APP. P. 24(a)(5).

**SO ORDERED.**

SIGNED February 24, 2020.



A handwritten signature in cursive ink, appearing to read "Alexander Silo", is written over a horizontal line. Below the signature, the text "UNITED STATES DISTRICT JUDGE" is printed in a standard font.

UNITED STATES DISTRICT JUDGE